

CUSTODY, NRESTRAMENT, TERMINATED,
U.S. District Court
District of Oregon (Portland (3))
CRIMINAL DOCKET FOR CASE # 3:19-mj-00032 All Defendants

Case title: USA v. Wheeler

Date Filed: 02/21/2019

Other court case number: 3:19-cr-00068-DCN-2 District of
Idaho, Moscow – Central

Date Terminated: 02/22/2019

Assigned to: Unassigned

Defendant (1)

Jacinta Rose Wheeler

81244-065

TERMINATED: 02/22/2019

also known as

Jacinta Walker

TERMINATED: 02/22/2019

also known as

Jacinta Swift

TERMINATED: 02/22/2019

represented by **Bryan Francesconi**

Office of the Federal Public Defender

101 S.W. Main Street

Suite 1700

Portland, OR 97204

503-326-2123

Fax: 503-326-5524

Email: bryan_francesconi@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:2,113(a)(3)and 1153
ASSAULT WITH A
DANGEROUS WEAPON;
AIDING AND ABETTING

Disposition

Plaintiff**USA**represented by **Benjamin Tolkoff**

US Attorney's Office

1000 SW Third Avenue

Suite 600

Portland, OR 97204

503-727-1027

Fax: 503-727-1117

Email: benjamin.tolkoff@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Retained*

Email All Attorneys

Date Filed	#	Page	Docket Text
02/21/2019	<u>1</u>	3	Documents Received From Other Court as to Jacinta Rose Wheeler from District of Idaho Case No: 3:19-cr-00068-DCN-2 Initial Appearance is set for 2/21/2019 at 01:30PM in Portland before the duty magistrate judge. (schm) (Entered: 02/21/2019)
02/21/2019	3	7	Minutes of Proceedings: Initial Appearance pursuant to Rule 5(c)(3) Proceedings before Magistrate Judge Jolie A. Russo as to Defendant Jacinta Rose Wheeler (USM #81244-065) held 2/21/19. Order Appointing Counsel: Bryan Francesconi. Order: Defendant detained pending further hearing. Rule 5/Detention Hearing reset to 2/22/2019 at 1:30PM in Portland before the duty magistrate. Counsel Present for Plaintiff: Benjamin Tolkoff. Counsel Present for Defendant: Bryan Francesconi. Restraint Order: NR. (Court Reporter: Ryan White) (gm) (Entered: 02/21/2019)
02/22/2019	4	8	Minutes of Proceedings: Continued Appearance pursuant to Rule 5(c)(3) Proceedings before Magistrate Judge Jolie A. Russo as to Defendant Jacinta Rose Wheeler (USM #81244-065) held 2/22/19. Defendant waived preliminary/identity hearing. Defendant advised of rights. Order: Defendant is committed to the Dist./ID at Coeur d'Alene for further proceedings. Counsel Present for Plaintiff: Benjamin Tolkoff. Counsel Present for Defendant: Bryan Francesconi. (Court Reporter: Ryan White) (gm) (Entered: 02/22/2019)
02/22/2019	<u>5</u>	9	Waiver of Preliminary Examination or Hearing pursuant to Rule 5(c)(3) by Jacinta Rose Wheeler (schm) (Entered: 02/25/2019)
02/22/2019	<u>6</u>	10	Commitment to Another District as to Jacinta Rose Wheeler. Defendant committed to District of Idaho. Original and two certified copies forwarded to U.S. Marshal on 2/25/2019. (schm) (Entered: 02/25/2019)

BART M. DAVIS, IDAHO STATE BAR NO. 2696
UNITED STATES ATTORNEY
TRACI J. WHELAN, IDAHO STATE BAR NO. 4416
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF IDAHO
6450 N. MINERAL DRIVE SUITE 210
COEUR D'ALENE, ID 83815
TELEPHONE: (208) 667-6568
FACSIMILE: (208) 667-0814

U.S. COURTS

FEB 20 2019

Rcvd _____ Filed _____ Time _____
STEPHEN W. KENYON
CLERK, DISTRICT OF IDAHO

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL JOSEPH HIGHEAGLE,
JACINTA ROSE WHEELER aka JACINTA
WALKER, JACINTA SWIFT

Defendants.

Case No. **CR 19-068 CDCN**

INDICTMENT

18 U.S.C. §§ 2, 113(a)(3) and 1153

The Grand Jury charges:

COUNT ONE

**Assault with a Dangerous Weapon
18 U.S.C. §§ 2, 113(a)(3) and 1153**

On or about November 22, 2018, in the District of Idaho, and within the exterior boundaries of the Nez Perce Indian Reservation, the defendants, DANIEL JOSEPH HIGHEAGLE, an Indian, and JACINTA ROSE WHEELER a.k.a. JACINTA WALKER, JACINTA SWIFT, an Indian, did knowingly and intentionally assault K.C. with a dangerous

INDICTMENT - 1

weapon, to-wit; a machete, with intent to do bodily harm, and aided and abetted the same, in violation of Title 18, United States Code, Sections 2, 113(a)(3) and 1153.


DATED this 20th day of February, 2019.

A TRUE BILL

/s/ [signature on reverse]

FOREPERSON

BART M. DAVIS
UNITED STATES ATTORNEY
By:


TRACI J. WHELAN
ASSISTANT UNITED STATES ATTORNEY

AMYB

U.S. District Court
District of Idaho (LIVE Database) Version 6.2.2 (Moscow - Central)
CRIMINAL DOCKET FOR CASE #: 3:19-cr-00068-DCN-2

Case title: USA v. Higheagle et al

Date Filed: 02/20/2019

Assigned to: Judge David C. Nye

Defendant (2)**Jacinta Rose Wheeler***also known as*

Jacinta Walker

also known as

Jacinta Swift

Pending Counts**Disposition**ASSAULT WITH A DANGEROUS
WEAPON

(1)

Highest Offense Level (Opening)

Felony

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints**Disposition**

None

Plaintiff

USA

represented by **Traci Jo Whelan**
US ATTORNEY'S OFFICE
6450 N. Mineral Drive
Suite 210
Coeur d'Alene, ID 83815

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Email: Traci.Whelan@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Date Filed	#	Docket Text
02/20/2019	<u>1</u>	INDICTMENT (Notice sent to USM) as to Daniel Joseph Higheagle (1) count(s) 1, Jacinta Rose Wheeler (2) count(s) 1. (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Service Information Sheet, # <u>3</u> Sealed Foreperson Signature) (alw)

PACER Service Center			
Transaction Receipt			
02/21/2019 11:38:05			
PACER Login:	ux4722:4106401:0	Client Code:	
Description:	Docket Report	Search Criteria:	3:19-cr-00068-DCN
Billable Pages:	1	Cost:	0.10

MIME-Version:1.0
From:info@ord.uscourts.gov
To:nobody
Bcc:
--Case Participants: Bryan Francesconi (bryan_francesconi@fd.org, gwen_mcneir@fd.org), Benjamin Tolkoﬀ (benjamin.tolkoﬀ@usdoj.gov, caseview.ecf@usdoj.gov, lauren.deits@usdoj.gov, mari.mcdonald@usdoj.gov)
--Non Case Participants: U.S. Marshal Service (pdx.operations@usdoj.gov), U.S. Pretrial Services (cmecf@orpt.uscourts.gov)
--No Notice Sent:

Message-Id:6509376@ord.uscourts.gov
Subject:Activity in Case 3:19-mj-00032 USA v. Wheeler Initial Appearance - Out of District Warrant
Content-Type: text/html

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 2/21/2019 at 2:34 PM PST and filed on 2/21/2019

Case Name: USA v. Wheeler

Case Number: 3:19-mj-00032

Filer:

Document Number: 3(No document attached)

Docket Text:

Minutes of Proceedings: Initial Appearance pursuant to Rule 5(c)(3) Proceedings before Magistrate Judge Jolie A. Russo as to Defendant Jacinta Rose Wheeler (USM #81244-065) held 2/21/19. Order Appointing Counsel: Bryan Francesconi. Order: Defendant detained pending further hearing. Rule 5/Detention Hearing reset to 2/22/2019 at 1:30PM in Portland before the duty magistrate. Counsel Present for Plaintiff: Benjamin Tolkoﬀ. Counsel Present for Defendant: Bryan Francesconi. Restraint Order: NR. (Court Reporter: Ryan White) (gm)

3:19-mj-00032-1 Notice has been electronically mailed to:

Benjamin Tolkoﬀ benjamin.tolkoﬀ@usdoj.gov, CaseView.ECF@usdoj.gov, lauren.deits@usdoj.gov, mari.mcdonald@usdoj.gov

Bryan Francesconi bryan_francesconi@fd.org, gwen_mcneir@fd.org

3:19-mj-00032-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:info@ord.uscourts.gov
To:nobody
Bcc:
--Case Participants: Bryan Francesconi (bryan_francesconi@fd.org, gwen_mcneir@fd.org), Benjamin Tolkoﬀ (benjamin.tolkoﬀ@usdoj.gov, caseview.ecf@usdoj.gov, lauren.deits@usdoj.gov, mari.mcdonald@usdoj.gov)
--Non Case Participants: U.S. Marshal Service (pdx.operations@usdoj.gov), U.S. Pretrial Services (cmecf@orpt.uscourts.gov)
--No Notice Sent:

Message-Id:6510754@ord.uscourts.gov
Subject:Activity in Case 3:19-mj-00032 USA v. Wheeler Initial Appearance - Out of District Warrant
Content-Type: text/html

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 2/22/2019 at 2:37 PM PST and filed on 2/22/2019

Case Name: USA v. Wheeler

Case Number: 3:19-mj-00032

Filer:

Document Number: 4(No document attached)

Docket Text:

Minutes of Proceedings: Continued Appearance pursuant to Rule 5(c)(3) Proceedings before Magistrate Judge Jolie A. Russo as to Defendant Jacinta Rose Wheeler (USM #81244-065) held 2/22/19. Defendant waived preliminary/identity hearing. Defendant advised of rights. Order: Defendant is committed to the Dist./ID at Coeur d'Alene for further proceedings. Counsel Present for Plaintiff: Benjamin Tolkoﬀ. Counsel Present for Defendant: Bryan Francesconi. (Court Reporter: Ryan White) (gm)

3:19-mj-00032-1 Notice has been electronically mailed to:

Benjamin Tolkoﬀ benjamin.tolkoﬀ@usdoj.gov, CaseView.ECF@usdoj.gov, lauren.deits@usdoj.gov, mari.mcdonald@usdoj.gov

Bryan Francesconi bryan_francesconi@fd.org, gwen_mcneir@fd.org

3:19-mj-00032-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT

for the
District of Oregon

United States of America)

v.)

Case No. 3:19-mj-00032

JACINTA ROSE WHEELER)

Defendant)

Charging District's Case No. ID 3:19-cr-68-DCN

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)I understand that I have been charged in another district, the *(name of other court)* District of Idaho

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

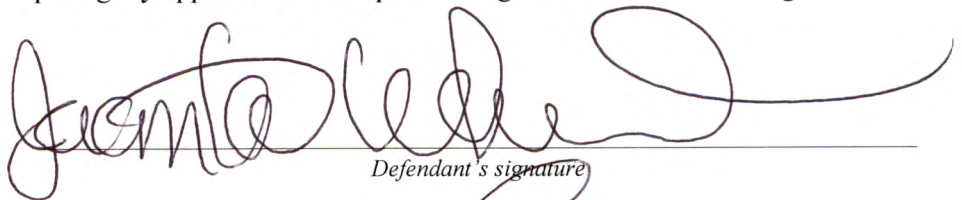
I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that any preliminary or detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

2/27/19



Defendant's signature



Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America)

v.)

JACINTA ROSE WHEELER)

Defendant)

Case No. 3:19-mj-00032

Charging District's

Case No. 3:19-cr-68-DCN

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Idaho,
 (if applicable) _____ division. The defendant may need an interpreter for this language:
 _____.

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 2/22/2019



Judge's signature

The Honorable Jolie A. Russo, U.S. Magistrate Judge

Printed name and title